

Editing the MOU to Reflect Agreement on Purpose Statement

(Working off of Mike N.'s 06/03/11 draft)

(1) Add a section II "3" at page 6, and renumber accordingly:

**3. Agreement on NEPA Purpose Statement (Section V).** This section discusses the status of the purpose statement for the EIS/EIR being prepared for the BDCP.

(2) Add new text of Section V at page 15 and renumber accordingly:

**Section V. Agreement on NEPA Purpose Statement**

The Lead Agencies, on February 13, 2009 (74 Fed. Reg. 7257), published the Third Notice of Intent to prepare an EIS/EIR for the BDCP. This Notice of Intent included a description of the purpose for the proposed action, which is attached as Appendix X.

The Lead Agencies, in a letter to Jared Blumenfeld, Regional Administrator, EPA Region IX, et al., dated October 26, 2010, clarified the intent of certain language in the Third Notice of Intent. In particular, this letter clarified that "...alternatives need not be capable of delivering full contract amounts on average in order to meet the project purposes.....We intend that the phrase "restore and protect....up to full contract amounts" delineates an upper bound for the alternatives, not a target. Alternatives that depict design capacities or operational parameters that would result in deliveries of less than full contract amounts are also consistent with this purpose."

The Signatories agree that the purpose statement contained in the February 13, 2009 Notice of Intent, as clarified by the Lead Agency letter of October 26, 2010, will serve as the purpose statement for the BDCP.